

**REMARKS/ARGUMENTS**

Upon entry of the above amendment, claim 1-12 will have been canceled and claim 13-27 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' claim for priority under 35 U.S.C. §119 and receipt of the certified copies of the priority documents in the Official Action, and for the acknowledgment of Applicants' Information Disclosure Statement filed in the present application on June 12, 2000 and consideration of the cited documents by the return of the initialed and signed PTO-1449 Form attached thereto.

However, Applicant has submitted another Information Disclosure Statement on June 18, 2003. Applicant respectfully requests that the Examiner consider the documents cited in this Information Disclosure Statement.

Turning to the merits of the action, The Examiner has rejected claims 1-12 under 35 U.S.C. § 102(e) as being anticipated by YOSHIDA U.S. Patent 6,463,132 B1. As noted above, Application has canceled these rejected claims and has added new claims 13-21. Applicant respectfully traverses the above rejection based on newly added claims 13-21 and will discuss the rejection with respect to the

pending claims in the present application as will be set forth herein below. The newly added claims merely clarify the subject matter recited in the canceled claims.

In the above-noted rejection, the Examiner asserts that YOSHIDA discloses a modem at an answering side that outputs "an identification signal indicative of a type of Recommendation" that another modem at the calling side uses and "shifts to operation mode corresponding to an instruction of said host based on said identification signal".

Applicant respectfully traverses the above.

Particularly, Applicant's claims relate to a receiving modem, a communication control apparatus and a method for controlling a communication having a receiving modem that transmits a facsimile control signal, communicates with a transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal, and data communicates with the transmitting modem, when a signal used in data communication is detected as the response signal.

However, the receiving modem disclosed in YOSHIDA transmits an ultra high speed capability indication signal (according to the V.8 protocol) to a transmitting facsimile machine. When an ultra high speed capability signal from the transmitting facsimile machine is detected, image data transmission is performed at an ultra high speed, and when the ultra high speed capability signal

from the transmitting facsimile machine is not detected, image data transmission is performed at a conventional speed such as 14.4k bps or 9600 bps. In the other words, YOSHIDA merely changes transmission speeds for facsimile communication based on a response from a transmitting facsimile machine.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-15, 18-20 and 23-25 are not disclosed in YOSHIDA cited by the Examiner. YOSHIDA contains no disclosure about changing a type of a communications such as e.g. facsimile communications or data communications based on a detected signal, as recited.

Applicant's claims also relate to a receiving modem, a communication control apparatus and a method for controlling a communication having a receiving modem that transmits a data communication signal and communicates with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal.

However, as the above explained, YOSHIDA merely changes transmission speeds for facsimile communications based on a response from a transmitting facsimile machine.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 16-17, 21-22 and 26-27 are not disclosed in YOSHIDA cited by the Examiner. YOSHIDA contain no disclosure about data communications.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. With respect to the new claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosure of the reference. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

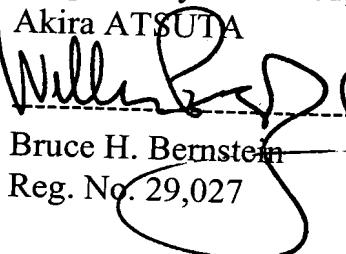
Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Akira ATSUTA

 Bruce H. Bernstein

Reg. No. 29,027

 Bruce H. Bernstein  
Reg. No. 29,027

July 23, 2003

GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191